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Lasting Powers of Attorney

A Guide

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INTRODUCTION

Putting in place arrangements for what happens to your estate, who deals with your assets and who makes decisions about your welfare and health treatment in the event of you being mentally or physically unable to do so is a sensible step for the future security of you and your family. It also ensures that your wishes will be carried out by a person(s) of your choice and in the way you want them to be.

Taking such steps will enable trusted friends or advisers to manage your financial affairs and make decisions about your health and welfare, if you are unable to do so yourself in the future.

LASTING POWER OF ATTORNEY

There are two types:

an **LPA property and financial affairs** allows the person making the arrangement – the donor – to give a relative, friend or professional adviser, such as a solicitor, the legal authority to manage their financial and property matters, such as selling their house or managing their bank account, if they become mentally incapacitated. This person is known as an attorney.

an **LPA health and welfare** allows the donor to give an attorney – not necessarily the same person as the one handling their financial affairs – the power to make decisions on matters including their health and welfare, for example whether to have medical treatment, or concerning their day-to-day care.

Your attorney or attorneys must always act in your best interests so it is vital that you appoint people in whom you have complete confidence.

Making an LPA avoids the need for complicated legal proceedings to unfreeze the assets of someone who has become incapable of handling their own affairs but has made no provision in case that happens.

By seeking professional advice on registering a LPA, you will have real peace of mind that your affairs will be handled in accordance with your wishes.



WHAT ELSE DO I NEED TO KNOW ABOUT LPA's?

To make an LPA, the donor must have capacity and be aged over 18. The attorney is appointed to make decisions as if they were the donor themselves and must act in the donor's best interests. The LPA must be set out in the legally required format and contain a certificate completed by an independent person to confirm that the donor understands the LPA and that they are not under any pressure to make it. This is often a solicitor.

An LPA must be registered with the Office of the Public Guardian (OPG) before it can be used. An unregistered LPA will not give the attorney any legal powers to make decisions and so it is advised to register it straight away.

To find out more about how we can help you, please contact us.



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